



## **Kenya Transition Initiative Quarterly Report January – March 2011**

### **Program Description**

The Kenya Transition Initiative (KTI) program, implemented through USAID's Office of Transition Initiatives (OTI), was initiated in June 2008 following post-election violence that rocked the country. The goal of the program is to continue to support stability with unity in Kenya by contributing to a politically modern Kenya, centered on national identity rather than ethnicity. KTI centers on a two-pronged effort supporting the institutional and grassroots reforms outlined in the February 2008 National Accord, including a constitutional review, youth employment, police reform, and land reform. In pursuit of this goal, the program assists Kenyan state and non-state actors to exercise more fully their capacities and, thereby, support the following broad objectives:

- Enable public institutions to undertake fundamental reforms and to manage instability and uncertainty, and
- Mobilize the public, especially the youth and key change agents, to demand accountability and reform.

KTI has been implemented by Development Alternatives, Inc. (DAI), under a task order that will close in May 2011. Chemonics will continue to implement KTI through May 2013. Chemonics initiated operations in Kenya in January 2011. This report covers the period January 14, 2011 through March 15, 2011.

### **Country Situation**

*Political situation.* The period has been characterized by political realignments, with the rebel wing of the Orange Democratic Movement (ODM), led by suspended Minister for Higher Education William Ruto and comprised largely of Members of Parliament (MPs) from the majority-Kalenjin Rift Valley, moving closer to the Party of National Unity (PNU) camp led by President Mwai Kibaki. This realignment has been evidenced in joint political rallies held by Ruto and Finance Minister Uhuru Kenyatta, a senior PNU figure. Both Ruto and Kenyatta are among a group of six Kenyans recently summoned to The Hague by the International Criminal Court (ICC). Ruto has asked his supporters to leave the ODM to join the United Democratic Movement (UDM).

In recent weeks, Ruto and Kenyatta have engaged in increasingly heated exchanges with Prime Minister and ODM leader Raila Odinga. In response, the National Cohesion and Integration Commission (NCIC) warned the trio to desist from using vulgar language. The current political

realignments, which are bringing a significant number of MPs from the Rift Valley closer to the Central Kenya-dominated PNU, are seen as part of a strategy to challenge Raila Odinga's 2012 Presidential ambitions. However, an opinion poll conducted in February 2011 by Synovate Pan-Africa showed that Odinga "still remains the most preferred candidate" for the top seat, with a 34 percent rating. Although this is down from a 39 percent rating in an earlier survey also conducted by Synovate Pan Africa, it is still a strong lead. Kenyatta's rating is at 16 percent, Vice President Kalonzo Musyoka at eight percent, Martha Karua at seven percent, Ruto at six percent and Eugene Wamalwa at two percent.

*The ICC.* On March 8, 2011, the judges of the Pre-Trial Chamber of the ICC, by majority ruling, issued summonses to all six named suspects in the case brought by the ICC prosecutor Luis Moreno Ocampo in relation to crimes against humanity allegedly committed during the 2007 – 2008 post election violence. The "Ocampo Six", as they are referred to, are required to appear on April 7, 2011. In recent months, the Kenyan government has engaged in a widely publicized "shuttle diplomacy" campaign seeking a one-year deferral of these ICC cases, ostensibly to allow time to establish a functional Kenyan mechanism to try suspects. However, efforts to lobby the international community in favor of deferral have met with criticism from ODM actors within the coalition government and Kenyan civil society groups. In response to the recently-issued summons, Kenyan government officials have warned that Kenya will, "challenge the admissibility of the cases as well as the jurisdiction of the court." However, the ODM has distanced itself from this position, with Lands Minister James Orengo saying it amounts to reneging on an earlier promise of cooperation with the ICC.

*Implementation of the constitution.* Kenya's Minister of Justice Mutula Kilonzo has claimed that the implementation of the new Constitution is already behind schedule by six months. He noted that Kenya is yet to enact a law on the electoral process, and that much remains to be achieved in the objectives set out under Agenda 4. A political dispute over President Kibaki's nominees for key political appointments including a new Chief Justice (CJ), Attorney General (AG), Controller of Budget, and Director of Public Prosecutions was finally brought to an end on February 22, when Kibaki withdrew the names. He has agreed to allow the Judicial Service Commission to select the CJ, and to consult Prime Minister Odinga on the nomination for the next AG. The Director of Public Prosecutions and Controller of Budget will be recruited through advertisements to be placed by the Public Service Commission. The Constitution Implementation Commission, Law Society of Kenya, courts of law, civil society and the international community were unanimous in expressing their views that the President's unilateral nominations violated the Constitution. There was also widespread public distaste at the manner in which the nominations were made. The change of heart due to public pressure was termed by one commentator a "seismic victory for constitutionalism" (Daily Nation, February 27, 2011).

*Wikileaks.* There are reportedly 1,821 cables on Kenya, covering the period 1996 to 2010, amongst the documents being released by Wikileaks. The contents of cables issued by the U.S. Embassy in Nairobi have continued to be headline news in Kenyan national media since December 2010. Among the contents of the cables that Kenyan media has reported on are documents that discuss pressure the U.S. government exerted on Kenya to sign the Article 98 agreement not to hand over to the ICC any U.S. citizen sought for war crimes, crimes against humanity, genocide, mass murder or other crimes of that nature. The *Daily Nation* commented

that “ironically, the U.S. is now at the forefront in pressing the government to accede to ICC trials for key officials facing possible indictment for the post-election violence” (Daily Nation, March 8, 2011). Kenyan media outlets have also reported on leaked cables that highlight the U.S. Embassy’s intention to continue to support youth activism despite Kenyan government displeasure. One newspaper commented, “The revelation –and the amount of money budgeted for the exercise — will trigger lots of questions on the actual intentions of the Obama administration.” (Daily Nation, March 7, 2011). On the other hand, there have also been some favorable comments that the leaks “give a comprehensive profile of Kenyan politicians and offer vivid details of how their thoughts about each other are likely to shape next year’s presidential campaigns and may play a significant role in emerging political alliances” (Sunday Nation, March 6, 2011).

*Humanitarian update.* The recently released Short Rains report states “The population that is highly and moderately food insecure and unable to meet a significant proportion of their food needs rose to 2.4 million people in January 2011, from 1.6 million in December 2010.” Some parts of the north east of the country have already slipped into an acute food and livelihood crisis. The situation is likely to worsen further in the coming months with the Meteorological Department warning of “below normal rainfall” during the ‘long rains’ season which normally brings respite (The Standard, March 8, 2011). Meanwhile, on March 1, 2011, a ferocious fire razed to the ground hundreds of houses in three estates in one of Nairobi’s Slums leaving one child dead, several people missing and almost 9,000 homeless and stripped of their property and livelihoods (UNOCHA, Sitrep 1, March 3, 2011).

*Security.* Tensions have increased recently along the Kenya-Somali border. In early March, Kenyan and international media reported a renewed threat from Al-Shabaab to attack targets in Kenya. Security in Nairobi has increased in some public places, and officials have issued warnings to exert extra caution.

## **Program Highlights**

### **A. Narrative Summary**

Chemonics signed the SWIFT Task Order for the KTI program on January 14, 2011. A start-up workshop was held in Chemonics home office in Washington D.C., on January 20-21, 2011. Participants included Chemonics’ chief of party, operations manager, regional program manager, and home office project management unit (PMU), the OTI country representative, and a number of OTI Washington-based staff including the contracting officer’s technical representative (COTR) and others. The workshop included an overview of the current KTI program and a discussion of immediate next steps. Training on the Database was also provided.

Immediately following the start-up conference, Chemonics fielded the start-up team, operations manager and regional program manager. (The chief of party deployed to Nairobi on February 5, with OTI’s permission, in order to complete a previously-scheduled assignment for the OTI program in Afghanistan).

The KTI in-country Start-Up Conference was held on February 7-9, 2011 in Naivasha, Kenya. Attendees included: Chemonics' chief of party, operations manager, regional program manager, home office PMU director, and start-up team; the OTI country representative and deputy country representative, and a number of OTI Washington staff. The conference dealt with the following issues: budget (funding constraints, cost estimates, cost saving measures); strategy (geographic, program objectives, funding/synergy, timeline/anticipated key events); and staffing (where, how many, recruitment, interview, criteria). The current KTI activity cycle was discussed, together with reporting and communication tools, including OTI's 'four-corners' model, and implementation tools such as the OTI Activity Database and e-Rooms. Some of OTI's lessons learned from the Kenya experience to date were also discussed, as was security, branding and representation of the KTI program to external audiences, including grantees and the media.

The draft work plan was discussed, and a revised work plan and schedule for deliverables was developed, submitted and approved by the COTR. Deliverables submitted during the reporting period included:

ITEM	DATE SUBMITTED/COMPLETED
Revised Work Plan for Phase 1	February 14, 2011
Grant making capacity established	February 16, 2011 (first grant was signed on this date)
Proof of legal status and registration	March 9, 2011
Field Staffing Plan	March 1, 2011
Detailed job descriptions	March 1, 2011
Update organization chart and contact sheet	March 1, 2011
Update Personnel Manual	March 1, 2011
Develop Financial Responsibility Guidelines	March 1, 2011
Field Procurement Guide	March 9, 2011
Activity Management Guide and Activity Cycle Flowchart	Due date extended until March 16, 2011

## B. Project Activities

I. FINANACIAL UPDATE			
Obligated Amount	Disbursed in Operations	Cleared in Activities	Disbursed in Grants
\$1,500,000	\$29,030	\$97,104	\$0

II. GRANTS CLEARED AND CLOSED		
Grant	Grantee	Amount
Grassroots Organizational Development of the National Youth Forum		

## C. Grant Activity Highlights

During the quarter, one grant with a total value of \$97,104 was signed, to provide approximately six weeks of technical support to the National Youth Forum (NYF) through three consultants with relevant experience in the U.S. in organizing grassroots advocacy campaigns. Logistical arrangements are being managed by the grantee, [REDACTED], a Nairobi-based organization which has worked with KTI on previous activities. Following initial meetings in

Nairobi with the U.S. Ambassador, USAID staff and the Chemonics team, the consultants embarked on a ‘listening tour’ which took them to Western, Nyanza, North Rift, South Rift, and Central during the reporting period. They will also travel to the Coast and organize a workshop for NYF and other partner participants in Nairobi during the next reporting period. The consultants have been able to meet with a wide variety of groups that constitute membership of the NYF from different parts of the country. During their meetings, the consultants have heard divergent views about the future direction NYF should take, but in all areas they have been received warmly. NYF’s leadership has been receptive to their involvement in providing assistance in the area of organizational strategies.

## **Program Appraisal**

Most activities during the reporting period focused on operational set up, and included coordination with DAI on transition issues such as inventory disposition, staff transitions, and shifting the Eldoret office lease from DAI to Chemonics effective April 1, 2011. DAI is closing the KTI office in Kisumu on March 31, and the focus of activities will shift to Kericho, which is seen to be a more critical potential hot spot in the lead up to the 2012 elections. Chemonics signed the lease for its Nairobi office on March 3, and will assume management of the Eldoret office on April 1. Chemonics plans to establish an office in Kericho during April 2011.

Recruit activities were also a major focus during the quarter. An office manager and finance and grants specialist were engaged on a short-term basis and a Nairobi-based project development officer (PDO) was selected and will start work on March 15. Offers have been made to a procurement and logistics manager and finance manager. A PDO for the Kericho office has also been identified. A number of DAI staff are expected to transition to Chemonics to continue work with the KTI program. Chemonics and DAI management are coordinating regarding start dates to ensure that DAI close-out is not compromised as staff transition from DAI to Chemonics. Offers will be made in the coming weeks, and it is expected that the core team will be in place before the strategy review session scheduled for the last week of April.

As with many other U.S. government programs, the KTI funding level remains uncertain. Chemonics was asked to eliminate an expatriate finance manager position. The expatriate finance manager, who had already been fielded, was sent home, and a Kenyan finance manager candidate has been selected.

## **Next Steps/Immediate Priorities**

In the coming quarter, KTI will hold an initial SRS and team building session to explore key emerging issues and review and finalize the initial vision for the program with a team that will include local and expatriate staff. The SRS is scheduled to take place April 25-27, 2011. The SRS will be a milestone that will mark the conclusion of Phase One, and the initiation of full implementation as DAI closes out in May. Grant making will scale up significantly in the next reporting period as staff are hired in all offices and key political events, such as the ICC process, create important programming needs.

### ***CONTACT INFORMATION***

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Visit the OTI website at <http://www.usaid.gov>, key word “OTI”